Social Services Appeal Board of Saskatchewan

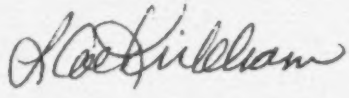
Annual Report 2012 - 2013

Letter of Transmittal

Honourable June Draude
Minister of Social Services

Dear Ms. Draude:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2013.



Pat Cooper
Co-Chairperson

Linda Coe-Kirkham
Co-Chairperson

Preface

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2012 to March 31, 2013.

Table of Contents

Transmittal Letter 2
Preface 3
Table of Contents 4
Introduction 5
Members of the Board 6
Location of Hearings 7
Co-Chairperson's Comments 8, 9, 10

Statistics

TABLE 1: Number of Appeals 2006 to 2013 11

TABLE 2: Regional Appeals 2012 - 2013 12

TABLE 3: Source of Provincial Appeals 13

TABLE 4: Provincial Appeals Summary by Region 14

TABLE 5 (A): Appeals by Reason – Chart 15

TABLE 5 (B): Appeals by Reason – Definitions 16

TABLE 6: Appeal Board Meetings 17

TABLE 7: The Provincial Ombudsman 18

Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Regulations pertinent to Saskatchewan Assistance Plan (SAP), Saskatchewan Assured Income for Disability (SAID) and Transitional Employment Allowance (TEA).

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978,* Section 10; the *Saskatchewan Assistance Act R.S.S. 1966,* Section 14(1)(m)(n), 15-18; the *Saskatchewan Assistance Regulations,* Section 43; the *Saskatchewan Assured Income for Disability,* Section 37; the *Transitional Employment Assistance Regulations,* Section 31 & 32.

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has made a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the Ministry may appeal to the Court of Queen's Bench. Clients may also contact the Ombudsman. The Ombudsman cannot change the decision of the board, but can conduct a review and may make recommendations to the ***Social Services Appeal Board*** or the Ministry.

Members of the Board 2012 -2013

The Co-Chairpersons and Board Members are independent of the Ministry of Social Services.

Appointments are made by Minister's Order.

Gloria Edwards is the appeal coordinator in Regina.

Jane Ritz is the appeal coordinator in Saskatoon.

P. Cooper and L. Coe-Kirkham - Co-Chairpersons -
D. Bach
N. Osborne
R. Bellamy
T. Chasmar
C. Coward
J. Leger
C. Froehlich
J. Lightheart
R. Schellenberg
J. Moser
M. Wallace

Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. The five regions are Northwest, Northeast, Centre, Southwest and Southeast of the province. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five members. A quorum is three members. During the past year, the Ministry of Social Services approved that provincial appeals may be heard outside of Regina and Saskatoon, when logistically reasonable.

The chairperson, or designate, attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board within one week of the hearings. The Board may adjourn and defer a decision if it requires more information. The Board does not require consensus, but does require a majority decision. As part of the decision, the client is always advised of the rationale behind the Board's decision.

Board members consider themselves obliged to adhere to the Regulations of SAP, SAID and TEA; but believe they have some flexibility in dealing with the internal policy guidelines.

The Board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Co-Chairperson's Comments

The 2012-2013 annual report of the Social Services Appeal Board is available on-line at www.socialservices.gov.sk.ca/12-13-ssappealboard.pdf

The appeal process this year was impacted by two major factors. One factor being the implementation of the new Saskatchewan Assured Income for Disability (SAID) program. The SAID program did not necessarily increase the number of appeals, but did require the appeal process to rule on appeals based on the new SAID regulations and policies. The Board would like to comment that it believes the SAID program has had, and will continue to have, a positive impact on the lives of people who require ongoing supports to mitigate the impact of disability to help maximize their quality of life. The Government and Ministry should be commended for both their vision of the SAID program and the hard work it took to implement the program in the time frame in which it happened.

This year there was an abnormally large number of appeals over the issue of adequate rent to reflect the impact of Saskatchewan's growing and robust economy on people dependant on Social Services for support. It required much reflection and commitment from the Ministry, their clients, the advocates and the appeal process to make progress on the issue. Between clarification of and adjustments to shelter rates; there was positive movement on the issue. The SAID program in particular should continue to help provide adequate shelter for those in need of support.

Co-Chairperson's Comments ..... continued

There has been a noted decrease in the overall number of TEA appeals during the 2012-13 year. The Board believes that the implementation of changes that provide greater clarity on program requirements have contributed to the reduction.

In the 2012-2013 year the Board received a total of 161 provincial appeal requests. Five requests were denied and seven requests were withdrawn prior to appeal. The Appeal Board held a total of 41meetings with 19 meetings scheduled in Regina and the remaining 22 meetings scheduled in Saskatoon. Of the scheduled 149 provincial appeals, 69 were heard in Saskatoon and 80 were heard in Regina. A total of 440 regional appeals were heard province wide with the greater number of appeals being heard by the Southwest and Centre Regional Appeal Committees. A total of 21.6% of the regional appeal decisions made favoured the client. As noted, there was an unusual increase in the number of appeals over the issue of shelter rates which also impacted the distribution of appeals by region.

An area of continuing concern for the Board is the issue of clients receiving money from sources other than the Ministry and how it is treated. Examples of this money include, but are not limited to; inheritance, insurance settlements, Canada Pension Plan or Worker's Compensation back pay. Often clients will spend, gift or loan the money without adequate regard to the consequence of their actions on their eligibility for future assistance. The clients are expected

Co-Chairperson's Comments ..... continued

to use the resources to live on for a calculated period of time and are not eligible for assistance during that time. Often clients dispose of the money and they are not eligible for assistance until the calculated time period is up. This situation arises in spite of clarity in the regulations, policy and continued good efforts by the Ministry to inform the clients of the profound impact on their future benefits and quality of life this will cause. The Board encourages the Ministry to continue their efforts to address this issue.

The board has enjoyed and benefitted from an increase in the number of and scheduling of formal meetings with the Ministry. Two notable outcomes of the meetings has been a continued interest in how best to participate in and enjoy the benefits of participation in the Saskatchewan Administrative Tribunals Association (SATA); and discussion of the positive impact advocates have on the appeal process. The Board believes the meetings and training have and will continue to improve the quality of programs and the appeal process for all parties involved.

The Board believes the 2012-2013 year has been one of both challenge and positive change.

Table 1 - Statistics

Number of Regional and Provincial Appeals
2006 – 2007 to 2012 - 2013

	Regional	Provincial
2006 – 2007	466	136
2007 – 2008	385	127
2008 – 2009	415	127
2009 – 2010	370	95
2010 – 2011	454	108
2011 - 2012	319	115
2012 - 2013	440	161

2012 – 2013

- Regional numbers do not include denied or withdrawn.
- Provincial numbers include 5 denied and 7 withdrawn.

Table 2 - Regional Appeals

Location and Disposition 2012 - 2013

Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Ministry	Total
Southwest	70	94	164
Southeast	2	21	23
Centre	11	87	98
Northeast	7	60	67
Northwest	5	97	102
Total	**95**	**359**	**454**

The decision favoured the client 21.6 % of the time.

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals

Source of Provincial Appeals
2012 - 2013

Region	Appealed by Client	Appealed by Ministry	Total
Southwest	34	43	77
Southeast	6	0	6
Centre	28	10	38
Northeast	16	0	16
Northwest	23	1	24
Total	**107**	**54**	**161**

Note: **5 requests for appeals were denied**
7 appeals were withdrawn
0 requests were appealed by both Client and Ministry

Table 4 - Provincial Appeals
Summary by Region
2012 - 2013

Region	Client Sourced Appeals		Ministry Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Ministry	Decision Against Ministry
Southwest	12	21	7	37
Southeast	1	4	0	0
Centre	10	18	4	7
Northeast	1	9	0	0
Northwest	11	10	1	0
Total	**35**	**62**	**12**	**44**

The number of appeals received and the number of decisions is not equal due to denials and withdrawals.

Table 5 (A) - Social Services Appeal Board

Appeals by Reason 2012 – 2013

Segments represent the SAP, SAID and TEA Regulation appealed

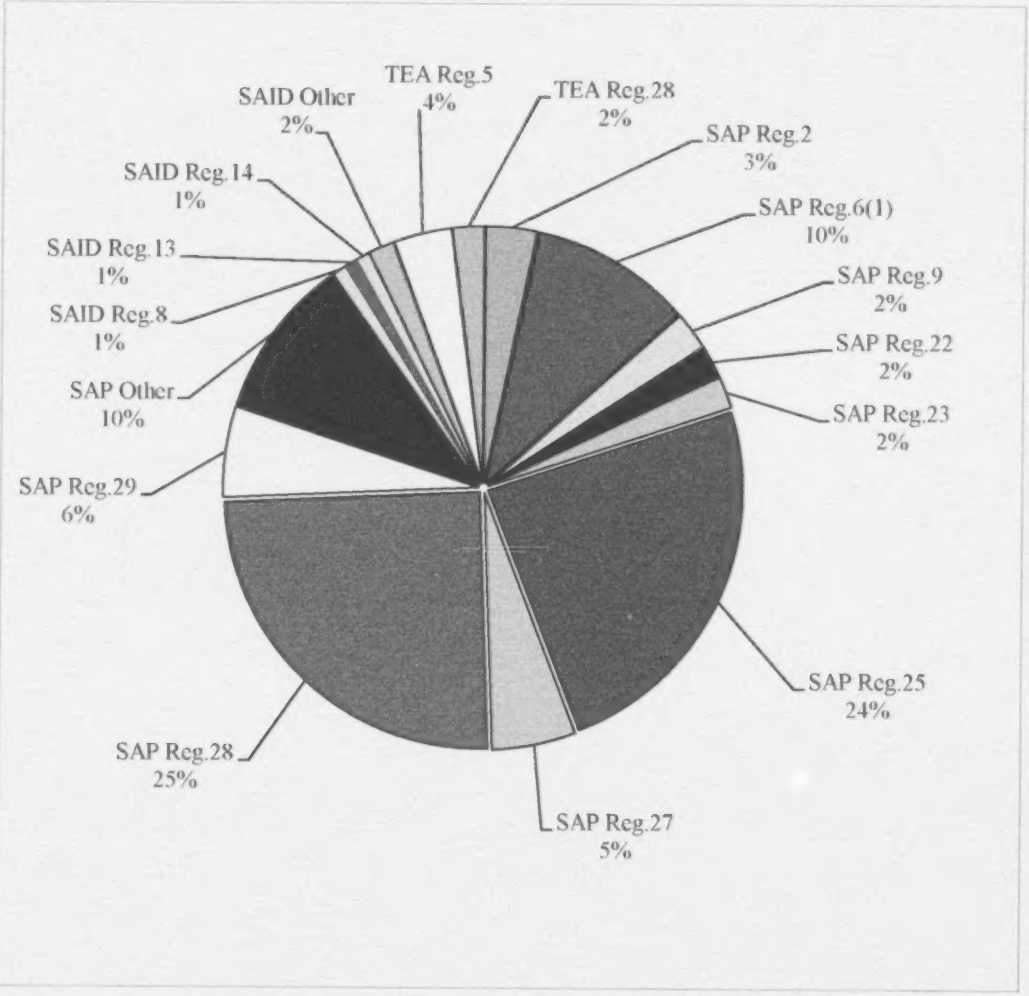


Table 5 (B) - Social Services Appeal Board
Appeals by Reason 2012 – 2013
Definition of the SAP, SAID and TEA Regulation appealed

Social Assistance Program	
SAP Reg. 2	• Interpretation - Delegation
SAP Reg. 6(1)	• Responsibilities of the recipient as a condition of eligibility
SAP Reg. 9	• Determining amount of assistance
SAP Reg. 22	• Change in amount of assistance
SAP Reg. 23	• Change in circumstances
SAP Reg. 25	• Allowance amounts: basic needs, shelter, utilities, personal, food
SAP Reg. 27	• Special needs
SAP Reg. 28	• Financial resources and exempt income
SAP Reg. 29	• Eligibility and determining financial resources
SAP Other	• Application, eligibility, payment
Saskatchewan Assured Income for Disability	
SAID Reg. 8	• Ineligible individuals
SAID Reg. 13	• Determining Monthly Income
SAID Reg. 14	• Determining Liquid Assets
SAID Other	• Eligibility, excess assets, extraordinary circumstances benefits
Transitional Employment Allowance	
TEA Reg. 5	• Eligibility of applicant
TEA Reg. 28	• Termination of payment

Table 6 - Appeal Board Meetings
Provincial Appeals Heard in Regina and Saskatoon

2008-2009 to 2012-2013

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2008 – 2009	19	44	25	68
2009 – 2010	19	36	23	58
2010 – 2011	16	30	25	64
2011 - 2012	13	24	20	81
2012 - 2013	19	80	22	69

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also contact Ombudsman Saskatchewan. The Ombudsman cannot change the decision of the board, but can conduct a review. The Ombudsman may make recommendations to the Social Services Appeal Board or the Ministry to resolve the matter for individual clients and to implement best practices in order to better resolve matters in the future.

Statistics for 2012 – 2013

The following statistics reflect the number of complaints received and closed by the Ombudsman on individual appeal matters. Please note that the number of complaints received may not match the total number of complaints closed because some may be carried over into the next year. It is also possible for a single complaint to contain several issues, each of which may be resolved differently, so this may also increase the number of complaints closed.

Complaints Received	Total Complaints Closed	Complaints Closed as Not Resolved	Complaints Closed with Recommendation(s) made
1	4	3	1